



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/697,328
Filing Date	10/31/2003
First Named Inventor	Brotherton
Art Unit	3683
Examiner Name	Douglas C. Butler
Attorney Docket Number	6251

**ENCLOSURES (Check all that apply)**

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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Return postcard |
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Edward J. Brosius		
Signature			
Printed name	Edward J. Brosius		
Date	09/23/2004	Reg. No.	28,695

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AMSTED CASE NO. 6251-Brotherton et al.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Joseph A. Brotherton  
Serial No.: 10/697,328  
Filed: October 31, 2003  
For: Brake Drum Balancing

Group Art Unit: 3683  
Examiner: Butler, Douglas C.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 23, 2004  
Applicant's Attorney: Edward J. Brosius

Signature: *Edward J. Brosius*  
Date: 9.23.04

**AMENDMENT**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated July 20, 2004, please enter the following amendment.

**REMARKS**

The Examiner has relied on U.S. Patent Nos. 6,321,886, Hester et al., in rejecting claims 1-16 as unpatentable under 35 USC 103 (a). Alternatively, the Examiner has rejected claims 1-16 under 35 USC 103 (a) as unpatentable over Hester, in view of Carmel et al., US Patent No. 3,889,786 or Wakisaka et al., US Patent No. 6,253,883 or Koike et al., US Patent Publication 2004/0026189.

Hester et al. discloses a cast metal brake drum having a raised squealer band. The drum is balanced by a constant depth cut to remove material from the squealer band. There is no disclosure in Hester et al. of any other design or depth of cut. The Examiner has stated that it would have been obvious to modify Hester et al. to remove material from the squealer band to obtain a continuously variable thickness. There is no basis or teaching